

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLOCKCHAIN LUXEMBOURG S.A. &  
BLOCKCHAIN (US), INC.,

*Plaintiff,*

v.

PAYMIUM, SAS a/k/a BLOCKCHAIN.IO &  
PIERRE NOIZAT,

*Defendant.*

Civil Action No. 1:18-cv-08612

ECF Case

**DECLARATION OF MARTIN SCHWIMMER  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

I, MARTIN SCHWIMMER, hereby declares as follows:

1. I am a partner at the law firm of Leason Ellis LLP in White Plains, New York and am admitted to practice before the courts of the State of New York and this District.
2. I am counsel of record for Defendants Paymium, SAS and Pierre Noizat, and I submit this Declaration in support of Defendants' Motion to Dismiss Plaintiffs' Complaint.
3. The exhibits referenced in support of Defendants' Motion to Dismiss the Complaint are attached as follows:
4. Attached hereto as Exhibit 1 is a true and accurate copy of Office Action for U.S. Trademark Application No. 87692965 dated March 8, 2018.
5. Attached hereto as Exhibit 2 is a true and accurate copy Response to Office Action for 87692965 submitted on March 13, 2018.
6. Attached hereto as Exhibit 3 is a true and accurate copy of a printout from Defendant's website at <https://blockchain.io/faq> accessed on January 11, 2019.

7. Attached hereto as Exhibit 4 is a true and accurate copy of the blockchain.io September 2018 Whitepaper entitled “Your Gateway to the Internet of Value” available at <https://blockchain.io>.

8. Attached hereto as Exhibit 5 is a true and accurate copy of a printout from Plaintiff’s website at <http://www.blockchain.com> allowing visitors to “Get a Free Wallet”, accessed on January 11, 2019.

9. Attached hereto as Exhibit 6 is a true and accurate copy of the Tech Crunch article “The company called Blockchain raises \$40 million” available at <https://techcrunch.com/2017/06/22/the-company-called-blockchain-raises-40-million/> accessed on January 11, 2019.

10. Attached hereto as Exhibit 7 is a true and accurate copy of a printout from Plaintiff’s website titled “Bitcoin Glossary” available at <https://blockchain.zendesk.com/hc/en-us/articles/213276463-Bitcoin-Glossary> accessed on January 11, 2019.

11. Attached hereto as Exhibit 8 true and accurate copy of a printout from the Trademark Electronic Search System (“TESS”) for the search “(blockchain)[BI]” dated January 11, 2019.

12. Attached hereto as Exhibit 9 is a true and accurate copy of printout from the Trademark Electronic Search System (“TESS”) for the search “(blockchain)[GS] and (blockchain)[BI]” dated January 11, 2019.

13. Attached hereto as Exhibit 10 is a true and accurate copy of printout from the Trademark Electronic Search System (“TESS”) for the search “(blockchain)[GS] and (currency)[GS]” dated January 11, 2019.

14. Attached hereto as Exhibit 11 is a true and accurate copy of printout from the Trademark Electronic Search System (“TESS”) for the search “(blockchain)[GS] and (wallet)[GS]” dated January 11, 2019.



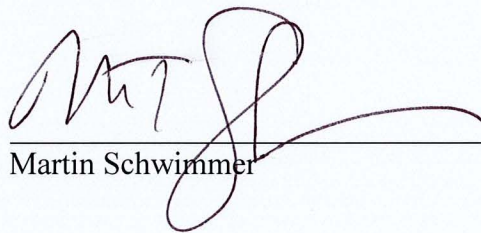
15. Attached hereto as Exhibit 12 is a true and accurate copy of printout from the Trademark Electronic Search System (“TESS”) for the search “(blockchain)[GS] and (blockchain)[ON]” dated January 11, 2019.

16. Attached hereto as Exhibit 13 is a true and accurate annotated copy of an excerpt from the blockchain.io September 2018 Whitepaper, attached in its entirety as Exhibit 4, and previously docketed as Dkt. 9-8.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 11, 2019  
White Plains, New York

  
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Martin Schwimmer